

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CRIMINAL CASE NO. 1:95CR20

FILED
ASHEVILLE, N. C.

NOV - 5 1999

U.S. DISTRICT COURT
W. DIST. OF N. C.

UNITED STATES OF AMERICA)

vs.)

DOUGLAS WALTER CHILDS)
_____)


ORDER

THIS MATTER is before the Court on the defendant's motion to permit the filing of a late appeal. The motion is denied.

The defendant claims he asked his attorney to file a direct appeal from his criminal conviction but the appeal was never perfected. Contained within the record are the Notice of Appeal filed on April 25, 1996 by counsel, three days after the imposition of sentence, and the Order of the United States Court of Appeals dismissing the appeal on July 10, 1996. The defendant's claims are therefore frivolous.

IT IS, THEREFORE, ORDERED that the defendant's motion to permit the filing of a late notice of appeal is hereby **DENIED**. The Clerk of Court is instructed to provide the defendant with copies of the Notice of Appeal and the Order of Dismissal.

THIS the 50 day of November 1999.



LACY H. THORNBURG
UNITED STATES DISTRICT COURT JUDGE

DOCUMENT
SCANNED

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United States District Court
for the
Western District of North Carolina
November 8, 1999

* * MAILING CERTIFICATE OF CLERK * *

Re: 1:95-cr-00020

True and correct copies of the attached were mailed by the clerk to the following:

Jerry W. Miller, Esq.
U. S. Attorney's Office
207 U.S. Courthouse Bldg.
100 Otis Street
Asheville, NC 28801-2611

Mr. Douglas Walter Childs
Reg #11920-058
USP
601 McDonough Bldv., SE
Box PMB
Atlanta, GA 30315

cc:

| | |
|-------------------------|-----|
| Judge | () |
| Magistrate Judge | () |
| U.S. Marshal | () |
| Probation | () |
| U.S. Attorney | () |
| Atty. for Deft. | () |
| Defendant | ✓ |
| Warden | () |
| Bureau of Prisons | () |
| Court Reporter | () |
| Courtroom Deputy | () |
| Orig-Security | () |
| Bankruptcy Clerk's Ofc. | () |
| Other_____ | () |

Copy of Order dated - 11/05/99
Copy of Notice of Appeal - 04/25/96
Copy of Order dated 08/05/96

Date: 11/08/99

Frank G. Johns, Clerk

By: emw
Deputy Clerk